

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
TYRONE HOUSTON a/k/a Tyrone Black,
Plaintiff,

v.

S. HENTON, et al.,Defendants.
-----X**ORDER**

20 CV 2135 (VB)

Copies Mailed/Faxed 9-7-22
Chambers of Vincent L. Briccetti

Plaintiff, who is incarcerated and proceeding pro se and in forma pauperis, moves for appointment of counsel. (Doc. #149). This is plaintiff's third such application. (See Docs. ##9, 119).

The motion is DENIED WITHOUT PREJUDICE to renewal.

The Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. The Court believes plaintiff is an able and sophisticated litigant and, in its discretion, does not find exceptional circumstances warranting the appointment of counsel at this time. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). Accordingly, plaintiff's request is DENIED WITHOUT PREJUDICE for renewal. Plaintiff should not file another motion for appointment of counsel until discovery is complete.

In his application, plaintiff states defendants discovery responses were not helpful. (Doc. #150, at 1). To the extent plaintiff believes defendants' production or interrogatory responses were deficient, plaintiff should write to defense counsel to explain why he believes they are deficient and shall attempt to resolve any discovery issues with defense counsel before raising them with the Court. The parties are reminded of their obligation to work cooperatively "in all phases of the discovery process." Local Civil Rule 26.4(a).

Moreover, plaintiff also suggests he is interested in settlement. (See Doc. #149, at 1). Defense counsel is directed to discuss settlement with plaintiff in good faith and to provide a status report on those discussions, including whether there is anything the Court can do to assist in that regard, by **October 7, 2022**.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #149).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: September 7, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge